

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I (Claims 1, 2, 5-13, 17-18, 20-21, 27, 30-33, 35, 38-39, 41, and 43) in the reply filed on 10/15/07 is acknowledged. The Applicant further elected Species A noting that Claims 1, 2, 5, 6, 12, 13, 17-18, 20-21, 27, 30-33, 35, 38-39, 41, and 43 read upon the elected species. The non-elected inventions, Claims 50-52, have been cancelled. Claims 7-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 10/15/07.

Priority

2. In the response mailed on 10/15/07, the Applicant refers to a recent patent that issued on August 29, 2006, and states that the patent was not listed on a PTO-1449 because the Applicant did not consider the document prior art. The Applicant stated that the patent had a priority date of March 3, 2003, while the instant application has an earliest prior date of August 14, 2002. Though Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged, Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35

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U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/403,599, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. More specifically, the provisional application fails to provide support for the aspect ratio limitation as claimed. Hence, the instant claims have not been afforded the benefit of the earlier filing date.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 27 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 recites that the solid device further comprises a solvent, however, it is unclear how the solid device comprises the solvent if the device is intended to be a solid.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1, 2, 5, 12, 13, 17, 18, 20, 21, 27, 31-33, 35, 38, 39, 41 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Adamovics (US 2004/0211917 A1.) Adamovics teaches a method of preparation of a solid translucent or transparent polymer matrix capable of detecting and displaying a dose or doses of penetrating radiation by forming within the polymeric matrix a 3D dosimetric map which is measurable and quantifiable by various known procedures (Abstract.) The dosimetric map is representative of the 3D distribution of the dose or doses of the penetrating radiation to which the polymer had been exposed and can be quantified at high spatial resolution, thereby providing an accurate, stable, storable record in three dimensions of the radiation exposure or dosing event(s) (Abstract.) Adamovics teaches that the transparent or translucent polymer can be selected from a set of polymeric materials generally known as optical plastics including acrylics, including polymethylmethacrylate, polyacrylonitrile, and the family of ethylene/methacrylic acid ionomers known as the SURLYNS, polystyrene, and polyurethane formed from the reaction product of a diol with diisocyanate (Paragraph 0025, and 32-42.) Adamovics teaches that the matrix comprises one or more reporters including leuco dyes and diacetylene which have an observable change when exposed to radiation (Paragraph 49.) Adamovics also teaches that the composition further comprises a solvent, an activator, such as carbon tetrachloride as utilized in the example, a UV stabilizer, a UV absorber, a polymerization catalyst, and other additives that read upon the claimed converter (Claims, Paragraphs 52-53; Examples) wherein Adamovics teaches examples wherein the polymer solution is poured into 20ml glass vials and then cured to produce the device (*hence one skilled in the art would clearly envisage that the resulting cured, molded dosimeter would have an aspect ratio that would fall within the claimed range and thickness*

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larger than 0.1mm; Examples.) Adamovics further teach that the polymer composition may be provided as a melt and then solidified to produce the solid dosimeter (Paragraph 0026.)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adamovics. The teachings of Adamovics are discussed above. Though Adamovics teaches that the reporters can include diacetylene, Adamovics does not specifically teach the claimed diacetylene compounds. However, the instantly claimed diacetylene compounds are obvious species of diacetylene compounds utilized in the art and would have been obvious to one having ordinary skill in the art at the time of the invention. With respect to Claim 30, though Adamovics teach various solvents including cyclohexanone in an example, Adamovics does not specifically teach the claimed solvents. However one having ordinary skill in the art at the time of the invention would have been motivated to determine the optimum solvent to utilized based upon a particular binder material selected wherein DMF, cyclohexane, THF and p-xylene are obvious solvents utilized in the art and would have been obvious to one skilled in the art at the time of the invention.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moscovitch (USPN 5,498,876) teaches a 3-D ORAM comprising a volume of a transparent polymer doped with a light sensitive chemical and, in particular, spirobenzopyran;

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and a spectrometer for monitoring neutron and other types of radiation, as well as an electronic dosimeter for providing real time monitoring of radiation exposure, all based on use of an optical memory element.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monique R Jackson/
Primary Examiner, Art Unit 1794
June 9, 2008